HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.A.NO.429 OF 2006

-

Between:

Gutta Tara Choudhary and another

..... Appellant

AND

The Special Officer and Competent Authority,

Urban Land Ceiling, III Floor, Chandra Vihar,

Nampally, Hyderabad.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Sri T.Rajesekhar Rao

Counsel for Respondent : Government Pleader for Revenue

Dated 26/4/2006

Per Sri G.S.Singhvi, CJ

This appeal is directed against order dated 1.3.2006 passed by the learned Single Judge, whereby he dismissed Writ Petition No.6403 of 2006 filed by the appellants questioning the legality of notification dated 6.1.2006 issued under Section 10(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short, 'the Act').

On 24.4.2006, hearing of the appeal was adjourned to enable the learned Government Pleader for Urban Land Ceiling to find out whether notification under Section 10(3) of the Act has been issued.

Learned Government Pleader says that the notification under Section 10(3) was issued on 6.9.2005 i.e. much before filing of the writ petition.

Learned counsel for the Appellants says that in view of the statement made by the learned Government Pleader, his clients may be permitted to withdraw this appeal as also Writ Petition No.6403 of 2006 with liberty to file fresh petition to challenge the notification issued under Section 10(3) of the Act. This request of the learned counsel is not opposed by the learned Government Pleader.

In view of the above, the writ appeal as also Writ Petition No.6403 of 2006 are dismissed as withdrawn with liberty to the appellants to file fresh petition questioning the legality of notification dated 6.9.2005 issued under Section 10(3) of the Act.

While disposing of the appeal and the writ petition as withdrawn, we make it clear that the order passed by the learned Single Judge dismissing the writ petition shall not operate as a bar to the entertainability of the fresh petition, if any, filed by the appellants.

G.S.SINGHVI, CJ

Dt.26/4/2006

G.BHAVANI PRASAD,J

msv/grr